## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

ROBERT SHERMAN NIX, III,	)
Plaintiff,	)
V.	) No. 3:09-cv-30
UNITED STATES OF AMERICA, et al.,	) (Phillips/Shirley)
Defendants.	)

## **ORDER**

On March 25, 2009, the Honorable C. Clifford Shirley, United States Magistrate Judge, entered a Report and Recommendation ("R&R") in which he recommended that the complaint be dismissed pursuant to "28 U.S.C. § 1915(e) as frivolous, for failure to state a federal claim upon which relief can be granted, but without prejudice to the plaintiff's rights to re-file here or to file claims in State Court." [Doc. 2 at 3]. The deadline for timely objections to the R&R has passed, Fed. R. Civ. P. 72(b)(2), with no such objections being filed. Upon review, the court is in complete agreement with Judge Shirley's recommendation that the pro se complaint be dismissed under 28 U.S.C. § 1915(e). Accordingly, the R&R is **ACCEPTED IN WHOLE**, which the court adopts and incorporates herein, whereby this action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim.

IT IS SO ORDERED.

s/ Thomas W. Phillips
United States District Judge

**ENTER:**